

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

YOLANDA CANDELARIO RAMOS, et al.;

Plaintiffs,

vs.

BAXTER HEALTHCARE CORPORATION OF
PUERTO RICO, INC., et al.;

Defendants.

*

*

*

*

* CIVIL NO. 98-2146 (RLA)

*

*

* JURY TRIAL REQUESTED

*

*

**MOTION FOR LEAVE TO FILE
OPPOSITION TO DEFENDANTS' REQUEST FOR ATTORNEYS FEES**

TO THE HONORABLE COURT:

COME NOW THE PLAINTIFFS and through their undersigned attorneys,
respectfully allege, state and request as follows:

1. On or about May 19, 2003, the defendants filed a motion requesting attorneys fees. (Docket No. 60) At that the time, the grant of summary judgment in this case for defendants was on appeal to the Court of Appeals for the First Circuit.

2. That appeal was eventually decided by the appellate court in favor of defendants-appellees and the mandate was returned on April 27, 2004.

3. Plaintiffs later filed a Petition of Writ for Certiorari to the United States Supreme Court on June 7, 2004, which was denied on October 4, 2004.

4. Subsequently, this Court ordered the plaintiffs to file their reply to defendants' motion for attorney fees on or before 12/1/2004. (Docket #68)

5. The plaintiffs then requested and received a short extension of time in which to present their opposition to defendants' attorneys fees request.

6. Before the period of time allowed by the Court had expired, on December 3, 2004 the father of one of the undersigned, Carlos M. Hey-Ramos, passed away in Ponce, Puerto Rico. Due to this and to other conflicting professional commitments, the plaintiffs requested and received from the Court a second extension of time, through December 31, 2004, to comply with the Court's Order and file their opposition to defendants' request for attorneys fees.

7. Unfortunately, plaintiffs underestimated the time required to attend to the aforementioned situations. This, coupled with the Christmas-New Year holidays, impeded plaintiffs from completing their opposition to defendants' attorneys fees request earlier.

8. Plaintiffs' Motion and Memorandum in Opposition to Defendants' Motion for Attorney Fees is now complete and is being filed today together with the present motion.

9. Plaintiffs regret any inconvenience created for the Court or the defendants due to their delay, apologize for the delay and request leave to file their opposition on this date.

WHEREFORE, it is respectfully requested that this Honorable Court TAKE NOTICE of the aforementioned information and GRANT LEAVE to the plaintiffs to file

their Motion and Memorandum in Opposition to Defendants' Motion for Attorney Fees on this date.

IT IS HEREBY CERTIFIED that on this date the foregoing document was filed electronically with the Clerk of the Court using the CM/ECF system, which will send notification of such filing electronically to **Pedro Manzano-Yates, Esq.**, Fiddler González & Rodríguez, P.O. Box 363507, San Juan, Puerto Rico 00936-3507 and via regular mail to **Christopher A. Weals, Esq.**, SEYFARTH, SHAW, FAIRWEATHER & GERALDSON, 815 Connecticut Ave., N.W. - Suite 500, Washington, D.C. 20006-4004.

Respectfully submitted in San Juan, Puerto Rico this 18th day of January, 2005.

s/ Luis Amauri Suárez Zayas

LUIS AMAURI SUAREZ-ZAYAS

USDC-PR No. 118903

Avenida Borinquen 2108

Santurce, Puerto Rico 00915

Tel. (787) 761-3037

Fax (787) 727-7284

/s/ Charles S. Hey Maestre

CHARLES S. HEY-MAESTRE

USDC-PR No. 201906

1060 Calle Borinquena

Condominio Santa Rita Ofic. C-8

Río Piedras, Puerto Rico 00925

Tel. (787) 758-8950

Fax: (787) 758-8911

ATTORNEYS FOR PLAINTIFFS